

REMARKS

Applicant has elected to prosecute the group of claims designated by the Examiner as Group I, Claims 1-13. Applicant makes this election **WITH TRAVERSE**.

The Examiner characterized Group I, Claims 1-13, as being drawn to a tiltable support structure for an exercise machine and Group II, Claims 14-23, as being drawn to a method of performing a rowing exercise. The Examiner further characterized Groups I and II as being related to one another as process and apparatus for its practice.

As to whether Groups I and II may be properly restricted with respect to one another, the Examiner stated that the inventions are distinct if it can be shown that either: (1) the process as claimed can be practice by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. In support of the restriction of Applicant's claimed process and apparatus, the Examiner stated that "the process as claimed [in Group II] does not require the support structure of Group I".

The Applicant respectfully disagrees with the Examiner's arguments in support of the restriction between Groups I and II. As originally presented, the process of Group II was directed to an exercise protocol to be used with a rowing machine supported on a surface which required that at least one stroke be performed in each of two planes which are not parallel with the surface. Notwithstanding that the claimed exercise protocol, as originally presented, was worded such that the protocol was to be performed with a rowing machine, the Applicant has amended the claims of Group II to more clearly recite that the rowing machine or exercise apparatus with which the exercise protocol is to be performed is configured to perform strokes or rowing motions in first and second planes which are not parallel with the surface on which the rowing machine or exercise apparatus is supported.

The Applicant respectfully submits that the Examiner's grounds in support of the restriction between Groups I and II, specifically, that the "process as claimed [in Group II] does not require the support structure of Group I" have been clearly overcome by Applicant's amendment and/or argument. Furthermore, as there are no remaining grounds in support of the restriction between Groups I and II, the Applicant respectfully requests that the restriction requirement be withdrawn and Claims 1-23, as above amended, be promptly examined on the merits.

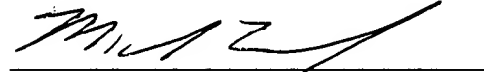
The Commissioner is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

CONLEY ROSE, P.C.

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